AUSA

FILED
FEB 11 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. Oscar Alexander CAUTETE-Mejia, Defendant.	Mag. Case No. '08 MJ 8119 **COMPLAINT FOR VIOLATION OF** Title 8, U.S.C., Section 1326 Attempted Entry After Deportation

The undersigned complainant being duly sworn states:

On or about February 9, 2008, within the Southern District of California, defendant Oscar Alexander CAUTETE-Mejia, an alien, knowingly and intentionally attempted to enter the United States of America with the purpose, i.e. conscious desire, to enter the United States without the express consent of the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, after having been previously excluded, deported or removed from the United States to Mexico, and not having obtained said express consent to reapply for admission thereto; and committed an overt act, to wit, crossing the border from Mexico into the United States, that was a substantial step towards committing the offense, all in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 11th DAY OF FEBRUARY 2008.

PETER C. LEWIS
U.S. MAGISTRATE JUDGE

UNITED STATES OF AMERICA

v.

Oscar Alexander CAUTETE-Mejia

STATEMENT OF FACTS

The complainant states that this complaint is based upon the apprehending reports of Border Patrol Agent J. Tellez and that the Defendant, Oscar Alexander CAUTETE-Mejia, was found and arrested on or about February 09, 2008, approximately 3 miles west of the Calexico, California west Port of Entry.

At approximately 2:00 p.m. the Imperial California Border Patrol Stations Remote Video Surveillance System (RVSS) Operator observed a group of four individuals make an illegal entry into the United States by crossing the International Boundary with Mexico approximately 3 miles west of the Calexico west Port of Entry. The RVSS Operator notified agents in the area of his observations. Agent L. Jacinto responded to the area and observed three of the four individuals run back to Mexico. Agent Jacinto made contact with the fourth individual, later identified as Oscar Alexander CAUTETE-Mejia. Agent Jacinto identified himself to CAUTETE and questioned him. It was determined CAUTETE to is a citizen of El Salvador illegally in the United States. CAUTETE was arrested and transported to the United States Border Patrol, Imperial Station for processing.

At the Station, CAUTETE'S fingerprints, photographs and Biological information was entered into the ENFORCE/IDENT/IAFIS systems, and it revealed that CAUTETE has been previously deported on July 23, 1996. A further records check revealed CAUTETE has an extensive criminal and immigration history.

CAUTETE was advised of his Miranda Rights at 9:09 P.M. by Agent Phantong. CAUTETE stated that he understood his rights and was willing to talk with agents without an attorney present. When questioned by agents, CAUTETE stated he knew he illegally entered the United States. When asked if he had sought permission from the Attorney General of the United States or the Secretary of the Department of Homeland Security to re-enter the United States CAUTETE said no.